

PRIVATE RIGHT OF ACTION

DISTRICT OF COLUMBIA OFFICIAL CODE

DIVISION V. LOCAL BUSINESS AFFAIRS.

TITLE 28. COMMERCIAL INSTRUMENTS AND TRANSACTIONS.

SUBTITLE II. OTHER COMMERCIAL TRANSACTIONS.

CHAPTER 45. RESTRAINTS OF TRADE.

D.C. Code § 28-4508 (2014)

§ 28-4508. Relief for private parties

(a) Any person who is injured in that person's business or property by reason of anything forbidden by this chapter may bring a civil action for damages, for appropriate injunctive or other equitable relief, or for both. In such an action, in addition to any appropriate injunctive or equitable relief, the court shall award as monetary relief: (1) threefold the total damage sustained by such person; and (2) as determined by the court, the costs of suit including reasonable attorney's fees.

(b) The court may award under this section, pursuant to a motion by such person promptly made, simple interest on actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under this chapter and ending on the date of judgment, or for any shorter period therein, if the court finds that the award of such interest for such period is just under the circumstances. In determining whether an award of interest under this section for any period is just under the circumstances, the court shall consider only:

(1) whether such person or the opposing party, or either party's representative, made motions or asserted claims or defenses so lacking in merit as to show that such party or representative acted intentionally for delay, or otherwise acted in bad faith;

(2) whether, in the course of the action involved, such person or the opposing party, or either party's representative, violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior or otherwise providing for expeditious proceedings; and

(3) whether such person or the opposing party, or either party's representative, engaged in conduct primarily for the purpose of delaying the litigation or increasing the cost thereof.

(c) In any class action brought under this section by purchasers or sellers, the fact of injury and the amount of damages sustained by the members of the class may be proven on a class-wide basis, without requiring proof of such matters by each individual member of the class. The percentage of total damages attributable to a member of such class shall be the same as the ratio of such member's purchases or sales to the purchases or sales of the class as a whole.

(Mar. 5, 1981, D.C. Law 3-169, § 2, 27 DCR 5368.)